

REMARKS

The Office Action of May 7, 2007 has been reviewed and these remarks are responsive thereto. Claims 1-20 remain pending in this application. Claims 1 and 19 have been amended. Reconsideration and allowance of the instant application in view of the foregoing amendments and following remarks are respectfully requested. Each of the Examiner's rejections is discussed below.

SECTION 103

Claims 1-3, 6, 9, and 12-20

Claims 1-3, 6, 9, and 12-20 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,029,651 to Flatt ("Flatt") in view of U.S. Patent No. 5,813,079 to Halm ("Halm"). This rejection is respectfully traversed.

Flatt describes an electrically operated toothbrush having a cylindrical portion into which a toothbrush is mounted via a threaded connection. Col. 1, lines 66-72. Flatt further describes a drive system in which a rotating disc imparts and orbital path to a rod connected to a head. The orbital path is translated into an upward and downward motion of the toothbrush. Col. 2, lines 42-58. A rod extends through an aperture in the rotating disc. Col. 2, lines 36-41.

Halm is cited as disclosing a toothbrush head having a treating instrument that is separately moveable from the head and that oscillates and rotates about a pivot point.

The proposed combination of Flatt and Halm fails to disclose or make obvious a drive system in which a drive end of a drive shaft slides along an inner wall and an outer wall of a closed loop cam track, as required by independent claims 1 and 19. In Flatt, the rearward end 35 of link 29 of rod 10 does not slide along an inner wall and an outer wall of a cam track, but, rather, along the sole surface of aperture 8, as seen in FIG. 3. The rearward end 35 merely rotates with respect to aperture 8, contacting the single surface defined by aperture 8. Aperture 8 merely acts as a retainer for rearward end 35 (See col. 2, lines 36-41).

Consequently, rearward end 35 does not slide along an inner wall and an outer wall of a closed loop cam track. Halm simply has no cam or cam track.

Since this required element is not disclosed or made obvious by the proposed combination of Flatt and Halm, the rejection is improper and should be withdrawn.

Claims 4-5

Claims 4-5 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Flatt and Halm in view of U.S. Patent No. 6,895,625 to Lev et al. ("Lev"). This rejection is respectfully traversed.

Lev fails to overcome the deficiencies of Flatt and Halm noted above and, therefore, the combination of Flatt, Halm, and Lev, even if proper, fails to teach or suggest all the features of independent claim 1, from which claims 4-5 depend. Accordingly, the rejection is improper and should be withdrawn.

Claims 7-8

Claims 7-8 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Flatt and Halm in view of U.S. Patent No. 3,538,530 to Stemme ("Stemme"). This rejection is respectfully traversed.

Stemmer fails to overcome the deficiencies of Flatt and Halm noted above and, therefore, the combination of Flatt, Halm, and Stemme, even if proper, fails to teach or suggest all the features of independent claim 1, from which claims 7-8 depend. Accordingly, the rejection is improper and should be withdrawn.

Claim 10

Claim 10 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Flatt and Halm in view of U.S. Patent Publication No. 2003/0066145 to Prineppi ("Prineppi"). This rejection is respectfully traversed.

Prineppi fails to overcome the deficiencies of Flatt and Halm noted above and, therefore, the combination of Flatt, Halm, and Prineppi, even if proper, fails to teach or suggest all the features of independent claim 1, from which claim 10 depends. Accordingly, the rejection is improper and should be withdrawn.

Claim 11

Claim 11 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Flatt and Halm in view of U.S. Patent No. 4,149,291 to Stoltz ("Stoltz"). This rejection is respectfully traversed.

Stoltz fails to overcome the deficiencies of Flatt and Halm noted above and, therefore, the combination of Flatt, Halm, and Stoltz, even if proper, fails to teach or suggest all the features of independent claim 1, from which claim 11 depends. Accordingly, the rejection is improper and should be withdrawn.

CONCLUSION

It is respectfully submitted that this application is in condition for allowance. If any additional fees are required or if an overpayment has been made, the Commissioner is authorized to charge or credit Deposit Account No. 03-2455.

Respectfully submitted,
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